REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 10, 11, 13, 14, 18, and 24 are currently being amended.

Claim 31 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-31 are now pending in this application.

In the March 12, 2007 Office Action, the Examiner rejected claims 1-24 and 26-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,650,365 (Sato). Additionally, claim 25 was rejected under 35 U.S.C. §103(a) as being obvious over Sato. In making these rejections, the Examiner has made essentially the same arguments which have been made in a number of prior Office Actions.

Applicant has amended independent claims 1, 10 and 18. In particular, claim 1 has been amended to more explicitly require that the image or audio representation be stored in the data unit *without reflecting the adjustments that have been made thereto*. Similar amendments have also been made to claims 10 and 18 with regard to image data. In other words, these claims have been amended to more particularly describe how the representations at issue are saved in an unmodified form so as not to reflect changes or modifications that have been made thereto by the user or the device. This arrangement is used to address a problem that arises with many conventional systems that will automatically save a representation in edited form. This problem was identified by Applicant at page 3, lines 16-31 of the present application, for example:

> An unwanted side effect of the editing processes is that the quality of the image may be reduced. For example, if an image is edited and stored successive times the quality of image may be reduced in each editing cycle comprising decompression 20 compression and storing. This is caused by the possibility of loosing [sic] information during the image compression stages, especially if a lossy compression algorithm is used.
>
> Thus the visual quality of the image may be reduced every time the image is fetched from, decompressed, compressed and stored again in the image data file. Since the decompression-compression cycle typically happens every time the image data is processed, the visual quality of the image may get progressively worse each time an image is subjected to modifications. The image may start gradually look worse and/or it starts include artifacts. (*See also* page 10, lines 23-29)

In response to this issue, claims 1, 10 and 18 have been amended to more particularly address this issue, namely by saving the representation in an unmodified form, while separately saving or storing the adjustment/modification data.[1] This process is elaborated upon, for example, at page 10, line 30-page 11, line 8 of the present application:

> In the preferred embodiment of the present invention the image data saved in the image data field 21 remains substantially the same after each editing cycle. Instead of amending the image data stored on field 21 when editing the image, the original image data is processed based on the information in the comment field 22 before displaying the image. The processing is accomplished based on the comment field 22 so that the image to be displayed to the viewer corresponds the latest changes while the changes are done to the original, unchanged image data stored in the image data field 21.

By preparing the representation for viewing in this manner, the problem of errors propagating through successive edit and save functions is substantially reduced and/or eliminated completely.

In contrast, Sato fails to teach or even suggest the saving of the image or other representation so as not to reflect changes or modifications thereto. Instead, Sato is directed to nothing more than a conventional image correction system where the image is saved in

[1] Minor typographical issues have also been addressed with regard to claim 18. Applicant does not intend to narrow the claim scope by addressing these issues.

"corrected" form after various image correction processes are performed therein. This is clearly and unequivocally noted, for example, at column 1, lines 41-47 of Sato, where it is stated "[t]he image correcting processor performs a plurality of image correction processes to an image signal in a processing order to generate a corrected image signal. The image signal recording processor *records the corrected image signal* in a recording medium." (emphasis added).

In rejecting claim 1, the Examiner relied upon column 3, lines 56-62 and Figures 4A and 4B of Sato. However, these sections do not cure the deficiencies discussed above. Column 3, lines 56-62 of Sato only describes how an image signal and adjustment/modification information can be separately stored in an image file. However, the image signal described in this section is stored in a modified state, not an unmodified state. This fact is clearly understood when one continues reviewing Sato. For example, column 4, lines 59-66 unequivocally show that, if a user wishes to go back to the original image signal, an entire restoration process must be conducted in Sato:

> The image signal stored in the buffer memory 43 is read therefrom, and is stored in an indication memory 45. Then, the image signal is read from the indication memory 45, *and is subjected to restoration processes, the contents of which are opposite to the contents of the image correction processes*, which were performed prior to the image signal being recorded in the memory card M, in a restoring order which is the reverse of the processing order. (Emphasis added)

In other words, before a saved image signal can be used again, for example on a new device, Sato teaches that the signal must undergo a "restoration" process before it returns to its original state. Clearly, such a restoration process would not be necessary if the image were not previously stored in its unmodified form. Therefore, Sato is clearly not teaching the saving of an image signal in an unmodified form after modification, as is required in the pending independent claims.

Similarly, Figures 4A and 4B also fail to cure the deficiencies discussed above. In the case of Figure 4A, this figure simply describes how an image signal is obtained from an image file and undergoes image expansion if necessary. After image expansion, the resulting image file is stored in the image indication memory. In other words, if image expansion is

undertaken, then the image signal is stored in modified form. If no image expansion is necessary, then the issue becomes moot since there are no adjustments or modifications to the image that need to be reflected. Figure 4B operates in the same manner but in reverse, with restoration and correction processes being performed before the image signal is stored in its restored and/or corrected form (*See, e.g.,* Column 6, lines 7-14) ("when the restoration processes have been performed… and another gamma correction is required, the desired image correction process…is performed in Step 112, and the resulting image signal, obtained by the other gamma correction, is stored in the buffer memory 43.") In other words, whenever changes are required to the image signal in Sato, the changes in the image are reflected in the image that is stored. This is in direct contrast to the text of pending claims 1, 10 and 18 as amended, which require the representation be stored with the modifications not being reflected therein.

In light of the above, it is clear that Sato neither teaches nor suggests a system or method by which image or audio data is stored in a manner so as to *not* reflect changes that have been made to the representations. As such, this element of independent claims 1, 10 and 18 is definitively absent from Sato, thereby making each of these claims and their respective dependent claims allowable over Sato. As such Applicant submits that each of claims 1-29 are all patentable over Sato both under 35 U.S.C. §102 and 35 U.S.C. §103.

Lastly, the Examiner rejected claim 30 under 35 U.S.C. §103(a) as being obvious over Sato in view of U.S. Patent No. 6,510,520 (Steinberg), with the Examiner asserting that Sato teaches all of the limitations of this claim except for the use of a wireless interface, which the Examiner asserts can be found in Steinberg. However, and as discussed at length above, Applicant submits that independent claim 18, from which claim 30 indirectly depends, includes substantive features neither taught nor suggested by Sato, namely the saving of image data in such a manner so as to not reflect the modifications made to the image. Furthermore, Applicant also submits that this deficiency is not cured by Steinberg, which is instead only directed to a method for securing digital camera data. As such, Applicant submits that claim 30 is allowable for at least the reasons discussed above with regard to claims 1-29.

Applicant has added new claim 31 to recite the invention from another perspective. Support for new claim 31 is found in the originally filed specification, claims and drawings. Further, claim 31 is patentable for reasons similar to those noted above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: July 12, 2007

By /G. Peter Albert Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268